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IN THE
COURT OF APPEALS OF INDIANA

BENJAMIN HARRISON,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 64A03-0701-CV-24
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE PORTER SUPERIOR COURT
The Honorable Julia M. Jent, Judge
Cause No. 64D03-0604-JF-6711

December 31, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

FRIEDLANDER, Judge

Benjamin Harrison, pro se, appeals the trial court's judgment finding that he committed speeding, an infraction. On appeal, Harrison alleges that in various instances he was denied substantive and procedural due process during the legal proceedings below.

We affirm.

On April 14, 2006, Harrison received a speeding citation for traveling seventy miles per hour in a posted forty mile per hour speed zone on State Road 49 near U.S. 6. Thereafter, he called the Porter County clerk's office and requested a trial to contest the matter. On May 16, 2006, the trial court issued an order acknowledging that Harrison had pled not guilty over the telephone and setting the matter for a bench trial on August 10, 2006, at 1:00 p.m. On August 10, for reasons unclear in the record, the trial was rescheduled for December 13, 2006, at 1:00 P.M. At the conclusion of the bench trial, at which Harrison proceeded pro se, a judgment was entered against Harrison for speeding seventy miles per hour in a posted forty mile per hour zone. The trial court ordered Harrison to pay a fine of $100.50 and court costs. Harrison now appeals. Additional facts will be provided below as necessary.

We agree with the State that Harrison's twenty-nine page "diatribe against the trial judge simply provides no grounds for finding a denial of due process." *Appellee's Brief* at 3. The majority, if not all, of his numerous undeveloped allegations of due process violations are not supported by cogent argument, with citation to relevant legal authority, statutes, and the record, as required by Ind. Appellate Rule 46(A)(8)(a). *See Barrett v. State*, 837 N.E.2d 1022, 1030 (Ind. Ct. App. 2005) ("[w]e will not become a party's

advocate, nor will we address arguments that are inappropriate, improperly expressed, or too poorly developed to be understood"), *trans. denied*. Therefore, we find such arguments waived.[1] *See Barrett v. State*, 837 N.E.2d 1022. Waiver notwithstanding, we will briefly address certain arguments that are at least somewhat decipherable.

Harrison directs us to *Cunningham v. State*, 835 N.E.2d 1075 (Ind. Ct. App. 2005), *trans. denied*, for the proposition that a defendant contesting a speeding ticket is entitled to a jury trial, *if demanded*. To be sure, *Cunningham* holds that in such actions, "a jury trial demand must be honored." *Id*. at 1079 (trial court improperly denied Cunningham's request for a jury trial in violation of art. 1, section 20 of the Indiana Constitution). The fatal error with respect to Harrison's claim, however, is that he never demanded a jury trial. For the same reason, his reliance on *Corrigan v. Al-Trim Corp*., 700 N.E.2d 481 (Ind. Ct. App. 1998), *trans. denied*, is misplaced. *See id*. at 484 ("no action or objection [is] necessary to preserve error predicated upon the failure to conduct a jury trial after a timely demand has been made").

While Harrison appears to assert that his speedy trial rights were violated, he cites absolutely no authority in support of this claim. Further, even assuming for the sake of argument that he was entitled to a speedy trial under Ind. Criminal Rule 4, the record reveals that he did not make any mention of a speedy trial until the day of his bench trial, which constitutes another basis for waiver of this claim. *See Randall v. State*, 474 N.E.2d 76 (Ind. 1985). Finally, Harrison fails to acknowledge that traffic infractions are civil

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[1] We remind Harrison that "pro se litigants are held to the same standard regarding rule compliance as are attorneys duly admitted to the practice of law and must comply with the appellate rules to have their appeal determined on the merits." *Smith v. State*, 822 N.E.2d 193 (Ind. Ct. App. 2005), *trans. denied*.

proceedings, not criminal offenses. *See State v. Hurst*, 688 N.E.2d 402 (Ind. 1997), *overruled on other grounds*, *Cook v. State*, 810 N.E.2d 1064 (Ind. 2004); *Schumm v. State*, 866 N.E.2d 781 (Ind. Ct. App. 2007), *clarified on reh'g*, 868 N.E.2d 1202. Moreover, Harrison does not identify the source from which a speedy trial right derives in a civil case, nor does our research reveal any.

Harrison next complains about the trial court's use of judicial notice. His primary complaint in this regard appears to be the court's taking of judicial notice that the location described by the officer where he observed Harrison speeding was in Porter County.[2] At trial, the state trooper testified that he observed Harrison speeding in a construction zone on State Road 49 near U.S. 6. Based on this evidence, it was proper for the trial court to judicially notice the fact that this geographic location was in Porter County. *See Norcutt v. State*, 633 N.E.2d 272 (Ind. Ct. App. 1994); *see also* Ind. Evidence Rule 201(a) (a fact may be judicially noticed if it is "generally known within the territorial jurisdiction of the trial court").

Harrison also appears to argue that he was somehow deprived of his right to notice by the lack of detail on the speeding citation, which served as a complaint and summons, and other documents regarding the time and place of his hearing. In this regard, he asserts the citation provided him "with no notice of in what court the matter would be heard or in what county the ticket was issued." *Appellant's Brief* at 22. To the contrary, the citation indicated that it was issued in Porter County/Liberty Township on State Road

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[2] Contrary to his assertions on appeal, it is not clear from our review of the transcript that the trial court took judicial notice of the fact Harrison had been held in contempt of court in another court.

49 northbound from US 6. The citation further provided the date, time, address, and court[3] for Harrison's initial appearance. In addition, the trooper provided him with a separate paper with contact information (phone number, address, and hours of operation) for the Porter County clerk's office. It is undisputed that Harrison used this information as directed to contact the clerk's office and request a trial. Moreover, he timely appeared in court for his scheduled trial and made no mention of lack of timely or sufficient notice. *See Oshinski v. Northern Indiana Commuter Transp. Dist.*, 843 N.E.2d 536, 539 (Ind. Ct. App. 2006) ("[g]enerally, a party may not raise an issue on appeal that was not raised to the trial court"). Harrison has failed to establish a due process violation in this regard.

Harrison also baldly asserts that he was never allowed to confront his accuser, State Trooper Joseph White. Trooper White, however, testified at trial and was exhaustively cross-examined by Harrison. Harrison's complaint on appeal appears to be that a witness stand was not used in the courtroom. There is no support in the record for this claim, and Harrison did not object to the courtroom procedures below. Therefore, the issue is waived. *See Oshinski v. Northern Indiana Commuter Transp. Dist.*, 843 N.E.2d 536. Moreover, Harrison directs us to no authority to support his claim that due process requires a witness in a civil case to testify from a particular location in the courtroom.

Finally, we note that Harrison makes many other unsupported claims of alleged due process violations based on judicial misconduct, malicious prosecution, equal

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[3] We acknowledge the officer shorthanded his reference to the Porter Superior Court as "PSC 3".

protection, and the First Amendment. For example, he baldly asserts: "Judge Julia M. Jent engaged in judicial conduct or misconduct at best bordering on invasion of privacy constituting false likeness (or light) and/or unlawful appropriation of name or likeness for personal gain or self aggrandizement." *Appellant's Brief* at 19. We refuse to further waste judicial time and resources on such frivolous, unsupported, and nonsensical claims. Harrison's relentless attacks on the integrity of the trial court are entirely without merit, and he has failed to establish any violation of due process.

Judgment affirmed.

SHARPNACK, J., concurs.

RILEY, J., concurs in result with no opinion.